

Justin Fok, Esq., CSB#242272
Law Offices of Jean D. Chen
2107 N. 1st Street, Suite 400
San Jose, CA 95131
Telephone: (408) 437-1788
Facsimile: (408) 437-9788
Email: jfok@jclawoffice.com

Attorney for Plaintiffs
Jin Wu and Chang Zhang

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Jin Wu and Chang Zhang,

Plaintiffs,

v.

Alberto Gonzales, United States Attorney
General, U.S. Department of Justice;
Michael Chertoff, Secretary of the
Department of Homeland Security;
Emilio T. Gonzalez, Director of United States
Citizenship and Immigration Services;

Defendants

Case No. C 07-3118 PVT

**JOINT CASE MANAGEMENT
STATEMENT; AND [PROPOSED]
ORDER**

1. Jurisdiction and Service

The basis asserted by Plaintiff for this Court's jurisdiction is 28 U.S.C. § 1361, 28 U.S.C. § 1331, and 5 U.S.C. §§ 551, 702. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

2. Facts

Plaintiffs are natives of China who have applied to adjust status to lawful permanent residence with the United States Citizenship and Immigration Services (USCIS) on April 27, 2005. The

USCIS has yet to adjudicate Plaintiffs' I-485 applications. The plaintiffs filed an action, through counsel, on June 13, 2007, seeking an order from this Court directing USCIS to adjudicate the I-485 applications.

3. Legal Issues

1. Whether this Court should dismiss the plaintiffs' action for failure to state a claim and for lack of subject matter jurisdiction.

2. Whether the delay in the adjudication of Plaintiffs' I-485 applications is unreasonable.

4. Motions

No motions have been filed. The parties intend to file cross-motions for summary judgment.

5. Amendment of Pleadings

No parties, claims or defenses are expected to be added or dismissed.

6. Evidence Preservation

The parties do not have any evidence that falls within this category.

7. Disclosures

The parties believe that review will be confined to the administrative record and thus the disclosure requirements of Fed. R. Civ. P. 26 do not apply.

8. Discovery

The parties do not intend to take any discovery in this case.

9. Class Actions

N/A

10. Related Cases

The parties are not aware of any related case or cases.

11. Relief

The plaintiffs ask this Court to direct the USCIS to adjudicate the I-485 applications forthwith.

12. Settlements and ADR

On September 28, 2007, the parties filed a request to be excused from the formal ADR process for this case.

13. Consent to Magistrate Judge for All Purposes

The parties consented to proceed before a Magistrate Judge on October 22, 2007

14. Other References

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial, and any request to bifurcate issues, claims or defenses.

16. Expedited Schedule

The parties believe this case can be resolved on cross motions for summary judgment.

17. Scheduling

The parties will notice and move for summary judgment with the following proposed due dates:

Parties' cross-motions for summary judgment:	January 8, 2008
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Parties' opposition motions:	January 22, 2008
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The Parties respectfully request that the Court take this matter under submission based on the above motions and that no summary judgment hearing be held for this case. Should the Court deem that a hearing is necessary, the parties propose a summary judgment hearing date of February 12, 2008.

18. Trial

The parties do not anticipate the need for a trial in this case.

19. Disclosure of Non-Party Interested Entities or Persons

Plaintiffs filed the "Certification of Interested Entities or Persons" on June 13, 2007 required by Civil Local Rule 3-16.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter

None.

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1 Dated: November 13, 2007

_____/s/_____
Justin G. Fok
Law Offices of Jean D. Chen
Attorney for Plaintiff

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6 Dated: _____, 2007

Edward A. Olsen
Assistant United States Attorney
Attorney for Defendants

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13 **ORDER**

14 The Case Management Statement and Proposed Order are hereby adopted as the Case
15 Management Order for the case and the parties are hereby ordered to comply with this order.
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18 Dated: _____

Patricia V. Trumbull
United States Magistrate Judge